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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

APOLONIA BAUTISTA,

Defendant and Appellant.

H034714

(Santa Clara County  
Super.Ct.No. CC892807)

The defendant, Apolonia Bautista, pleaded no contest to three counts of grand theft by an employee (Pen. Code, §§ 484, 487, former subd. (b)(3); Stats. 2002, ch. 787, § 12). There was an enhancement allegation that the stolen property's value exceeded \$65,000 (Pen. Code, § 12022.6, subd. (a)(1)), but the allegation was stricken at time of entry of defendant's plea at the prosecution's request and defendant did not answer it. The trial court sentenced defendant to five years' formal probation, one condition of which was to serve four months in jail, and ordered defendant to pay victim restitution of \$1,000 per month between the time of sentencing and the time of access to her retirement account and thereafter a lump sum for the balance, for a total of \$147,047.17. Defendant had already repaid \$65,000 by the time of sentencing.

FACTS

According to the company's vice president of finance, defendant embezzled from her employer, J. Lohr Vineyards & Wines, in the three years covered by the three charged

counts. The company incurred a total compensable loss of \$147,047.17. The record contains no further details regarding the crimes.

### DISCUSSION

Counsel for defendant has filed an opening brief that states the case and facts but raises no issues. (See *People v. Wende* (1979) 25 Cal.3d 436.) Defendant was entitled to file her own letter brief but did not do so. We have, as required by *Wende* and *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124, set forth herein the facts, the procedural background (including a description of the crimes of which defendant was convicted), and the disposition of defendant's case, and reviewed the entire relevant record. After reviewing the record, we have determined that it discloses no legal issues. Therefore, we must affirm the judgment.

### DISPOSITION

The judgment is affirmed.

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Duffy, J.

WE CONCUR:

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Rushing, P. J.

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Premo, J.